

REMARKS

This is a response to the Office Action mailed August 20, 2004. Claims 1-60 are presently pending. Claims 11-60 have been withdrawn as being non-elected in response to a restriction requirement. Claim 1 has been amended by this response. No new claims have been added.

In the Office Action, the Examiner rejected Claims 1-10 under 35 U.S.C 101 as failing to incorporate any technological art; rejected Claim 1-3 and 6-10 under 35 U.S.C. 103(a) as being unpatentable over Shavit *et al.* in view of Conklin *et al.*; and rejected Claim 1, 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Shavit *et al.* in view of Conklin *et al.* and further in view of Elliot *et al.*

REJECTION OF CLAIM 1-10 UNDER 35 U.S.C. 101

Claims 1-10 were rejected under 35 U.S.C. 101 as failing to incorporate any technological art, e.g., a compute implementation. Independent Claim 1 has been amended to recite "using a computer to form a business relationship . . .", "using a computer to facilitate real-time communication . . .", "using a computer to facilitate negotiation . . .", and "using a computer to facilitate automatic billing . . ."

Thus, as amended, independent Claim 1 now clearly recites a computer implementation. It is respectfully submitted that no new matter has been introduced via this amendment. Support for this amend is provided in the specification, as originally filed, at page 6, line 1, *et al.*

Therefore, it is respectfully submitted that the rejection of Claims 1-10 under 35 U.S.C. 101 should be withdrawn.

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**REJECTION OF CLAIMS 1-3 AND 6-10 UNDER 35 U.S.C. 103(A)**

Claims 1-3 and 6-10 were rejected under 36 U.S.C. 103(a) as being unpatentable over Shavit *et al.* in view of Conklin *et al.* More particularly, the Examiner stated that Shavit *et al.* discloses forming a business relationship between the third party interactive market management system and a plurality of business service providers; facilitating communication between the business providers and clients of the business service providers via the network; facilitating automatic billing of the client and automatic payment of the business service providers for a consultation. Further, the Examiner stated that Conklin *et al.* discloses an iterative bargaining system which allows a purchaser and seller to iteratively negotiate price online before sale.

Independent Claim 1 has been amended to recite "using a computer to facilitate real-time communication". It is respectfully submitted that neither Shavit *et al.* nor Conklin *et al.* either disclose or make obvious such real-time communication. Indeed, Shavit *et al.* discloses an interactive market manage system that does not occur in real time and Conklin *et al.* requires that an email be placed for an order.

It is respectfully submitted that no new matter has been introduced via this amendment. Support for this amendment is provided in the specification, as originally filed, at page 9, line 5, *et al.*

Therefore, it is respectfully submitted that the rejection of Claims 1-3 and 6-10 under 35 U.S.C. 103(a) should be withdrawn.

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**REJECTION OF CLAIMS 1, 4 AND 5 UNDER 35 U.S.C. 103(A)**

Claims 1, 4 and 5 were rejected under 36 U.S.C. 103(a) as being unpatentable over Shavit *et al.* in view of Conklin *et al.* and further in view of Elliot *et al.* Moreover, particularly, the Examiner stated that although the aforesaid combination fails to disclose facilitating communication between business service providers and client which use different communications protocols, Elliot *et al.* discloses facilitating such communication.

However, in view of the above discussed amendment to independent Claim 1 regarding real-time communication, it is respectfully submitted that this rejection should be withdrawn. More particularly, it is respectfully submitted that Elliot *et al.* neither discloses nor make obvious such real-time communication.

**CONCLUSION**

Moreover, it is respectfully submitted that none of the cited reference, taken either alone or in combination with one another, either disclose or make obvious "using a computer to facilitate real-time communication between the business service providers and clients of the business service providers," as recited in independent Claim 1.

Further, it is respectfully submitted that the dependent claims are independently patentable with respect to the independent claim. For example, dependent Claim 10 recites "wherein the level of security between each business service provider and each client is the most secure security level common to both the business service provided and the client." This limitation does not appear to be disclosed or made obvious by any of the cited references.

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In view of the foregoing, it is respectfully submitted that Claims 1-10 are in condition for immediate allowance. Reconsideration and an early allowance is therefore respectfully requested.

Please charge our Deposit Account as set forth in the attached Petition for three (3) months Extension of Time. If any further fees are required, please charge the fee(s) to deposit account 50-2257.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Monique M. Butler

February 17, 2005  
Date of Signature

Respectfully submitted,

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